

REMARKS

Claims 1-43 are pending. Of these, Claims 3, 5-11, 13-26, and 28-43 have been withdrawn from consideration. An Office Action mailed October 20, 2005 rejected Claims 1-2, 4, 12, and 27 under 35 U.S.C. § 102(b). By way of this amendment, Applicant hereby amends Claims 1 and 27. Pursuant to 37 C.F.R. §1.116, Applicant hereby respectfully requests reconsideration and allowance of the application.

REJECTION OF CLAIMS 1, 2, 4, 12 AND 27 UNDER 35 U.S.C. § 102

The Office Action rejected Claims 1-2, 4, 12 and 27 as being anticipated by Dragovic U.S. Patent No. 6,195,811. The Office Action states that Dragovic discloses a first portion capable of supporting a product; a second portion which includes a separation component configured to separate the second portion from a support structure by a predefined amount, wherein the predefined amount allowed an adhesive layer that is applied between the second portion and support structure; that the separation component includes a plurality of dimples; and that the bracket may be formed by molding or extruding. With regard to amended independent Claim 1, Applicant hereby respectfully traverses the rejection:

Applicant submits that Dragovic teaches dimples 25, 27 that may have conically shaped segment 31 leading to a flat circular portion 33 (col. 2, lines 21-22) and that the dimples are received within a dimple receptor/cavity 26 as illustrated in Fig. 7, thus forming a direct attachment between the base surface of the bracket and the support structure. No separation is being performed by the dimples of Dragovic. The dimples of Dragovic may act as a guide to ensure correct placement of the bracket at a particular location on the support structure (i.e., where the dimples fit into the corresponding indentations on the support structure), but do not act to ensure a positioning of the bracket at a desired distance from the support structure; as Dragovic states, "The dimples 25, 27 and lip 21 serve to maintain the bracket 19 in position *with respect to the side surface 20*" (col. 2, lns 43-45, emphasis added) Indeed, the arrangement of

dimples on the bracket as shown in Figures 2 and 3 would not provide a constant distance between the bracket and the support structure. Additionally, Dragovic does not mention varying the size or height of the dimples with the choice of adhesive.

Applicant submits that Dragovic fails to teach or suggest a utility bracket having a separation component for separating a second portion from a support structure, nor does Dragovic varying the dimensions of a separation component according to the adhesive used. Thus, amended independent Claim 1 is allowable over the cited reference. Because Claims 2, 4 and 12 depend from allowable amended independent Claim 1, they are allowable for the same reasons that make their corresponding independent claim allowable. In addition, because amended independent Claim 27 is similar to independent Claim 1, Claim 27 is also allowable.

REJECTION OF CLAIMS 1, 2, AND 12 UNDER 35 U.S.C. § 102

The Office Action rejected Claims 1, 2, and 12 as being anticipated by Hara et al., U.S. Patent No. 4,566,924 (hereinafter Hara). The Office Action states that Hara discloses a fixation of a stud on a work piece comprising a first portion capable of supporting a product; a second portion including a separation component, configured to separate the second portion from a support structure by a predefined amount based on an adhesive applied between the second portion and the support structure; and that the bracket can be formed by molding or extruding. With regards to amended independent Claim 1, Applicant respectfully traverses the rejection.

Applicant submits that Hara fails to teach, disclose or suggest a utility bracket wherein the separation component maintains a predefined separation distance between the bracket and the support structure throughout the adhesive process. Hara discloses a separation component 7' that is abraded during the adhesive process, such that the distance between the bracket and the support structure varies during the adhesive process (col. 6, lns. 5-14).

Therefore, Applicant submits that amended independent Claim 1 is allowable over the cited references. Because Claims 2 and 12 depend from allowable independent Claim 1, they are allowable for the same reasons that make their corresponding independent claim allowable.

DRAWINGS

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims, specifically, the "separation component" as claimed in Claim 1. Applicant submits that the separation component is shown in Figures 4-6, labeled 56; Figures 7-8, labeled 98; Figures 10-11, labeled 114; Figures 12, 14, 15, 17, and 18, unlabeled; and Figure 20, labeled 240.

CONCLUSION

Applicant respectfully submits that all of the claims and drawings of the pending application are now in condition for allowance over the cited references. Accordingly, Applicant respectfully requests withdrawal of the rejections, allowance, and early passage through issuance. If the Examiner has any questions, the Examiner is invited to contact the Applicant's agent listed below.

Respectfully submitted,

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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 28, 2008
Date of Deposit

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